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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,967	01/25/2001	Timothy P. Coffield		5247

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EXAMINER

COMPTON, ERIC B

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/769,967	Applicant(s) COFFIELD ET AL.	
	Examiner Eric B. Compton	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) 16-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-5, 9-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/02 & 1/25/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Claims 16-32 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Response dated March 8, 2004.

Claim Rejections - 35 USC § 112

2. Claims 6-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites "... producing an outer ring; attaching a segment of load bearing fabric to the outer ring..."

Claim 6, which ultimately depends from claim 1, recites "said attaching step including the steps of: ... molding the outer ring in situ about the fabric ..."

Thus, in claim 6 the molding process simultaneously produces the outer ring attached to the fabric. However, this conflicts with the former limitation, since claim 1 clearly suggests that the outer ring is produced *prior* to the attaching step (rather than simultaneously with the attaching step).

Claim 7 depends from claim 6 and therefore is also indefinite.

3. Claim 15 recites the limitation "the step of molding the first ring" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Perhaps, "the step of molding" should read --a step of molding--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 4,451,997 to Jones.

Regarding claim 8, Jones discloses a method for securing a load bearing fabric to a support structure, comprising the steps of:

providing a first ring (12) defining a central opening and carrying a load bearing fabric (11) extending inwardly over the opening the first ring;

providing a second ring (10) adapted to interfit with the inner ring;

interfitting the first ring and the second ring by relative movement of the first ring and the second ring in a direction substantially perpendicular to the fabric, relative movement of the first ring and the second ring causing a portion of the fabric to extend in the direction substantially perpendicular to the remainder of the fabric, whereby the fabric is stretched to a desired

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tension upon said interfitting step; and

securing the first ring and the second ring together after said interfitting step to maintain the fabric at the desired tension.

6. Claim 8 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 118,079 to Watkins; 662,647 to Howe; 1,864,477 to Stannard; 4,079,529 to Jennen et al.; and 5,015,034 to Kindig et al.

These references disclose essentially the same invention as Jones, cited above.

7. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. 6,378,944 to Weisser.

Regarding claim 1, Weisser discloses a method for attaching a load bearing fabric to a support structure, comprising the steps of:

producing an outer ring (1);

attaching a segment of load bearing fabric (3, with pins 4) to the outer ring (1);

producing an inner ring (2) adapted to receive the outer ring;

interfitting the inner ring and the outer ring, at least one of the inner ring and the outer ring including a stretching means (5,6) for stretching the fabric as a result of said interfitting; and

securing the inner ring and the outer ring in interfitted relation to maintain the fabric in a stretched configuration.

Regarding claim 8, Weisser discloses a method for securing a load bearing fabric to a support structure, comprising the steps of:

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providing a first ring (1) defining a central opening and carrying a load bearing fabric (3) extending inwardly over the opening the first ring;

providing a second ring (2) adapted to interfit with the inner ring;

interfitting the first ring and the second ring by relative movement of the first ring and the second ring in a direction substantially perpendicular to the fabric, relative movement of the first ring and the second ring causing a portion of the fabric to extend in the direction substantially perpendicular to the remainder of the fabric, whereby the fabric is stretched to a desired tension upon said interfitting step; and

securing the first ring and the second ring together after said interfitting step to maintain the fabric at the desired tension.

Allowable Subject Matter

8. Claims 2-7 and 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note: claims 6-7 and 15 must also be rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a method for attaching a load bearing fabric to a support structure,

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"said attaching step including attaching the fabric to the fabric leg at a located selected to control the amount of stretch in the fabric," as specified in claim 2; or

"the fabric being secured to the first ring along the fabric leg 74," as specified in claim 9.

Further details of this feature are disclosed in the Specification on page 10, lines 9-15. See *also* Figure 12.

Prior Art References

The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are cited for their teachings of securing a load bearing fabric to a support structure.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton
Patent Examiner
A/U 3726